



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

OCT 01 2010

Coleen Sullins  
Director  
Division of Water Quality  
North Carolina Department of Environment  
and Natural Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Dear Ms. Sullins:

The purpose of this letter is to approve the revisions to *15A NCAC 2B Surface Water and Wetlands Standards, Section .0300 Assignment of Stream Classification* which were submitted to the Environmental Protection Agency (EPA) for review by letter, dated January 25, 2010, and received on February 1, 2010. This letter addresses the revision to modify the use designation for the waters draining to Jordan Lake in the Cape Fear River Basin from Class C (fresh waters protected for secondary recreation, fishing, aquatic life, including propagation and survival, and wildlife) to Class Water Supply (WS) V (waters protected as water supplies which are generally upstream of and draining to Class WS IV waters) (*15A NCAC 02B .0311 – Cape Fear River Basin*).

The Environmental Management Commission (EMC) approved this revision on November 13, 2008. The effective date of the change was August 11, 2009. A certification, dated January 13, 2010, was included in this submission from the North Carolina Attorney General stating that this revision was duly adopted pursuant to State law and is valid and enforceable in the State of North Carolina. In accordance with 40 CFR Section 131.21(c), new and revised State and Tribal water quality standards are not effective for Clean Water Act (CWA) purposes until approved by EPA. EPA approves this revision as detailed below.

The WS V designation is being added to formally reclassify the non-WS watershed half of Jordan Lake to include the WS classification. This action was taken in conjunction with several other rulemakings to address nutrient enrichment in Jordan Lake. The use description of the waters affected (list enclosed) is modified at 15A NCAC 02B .0311 (p) as follows:

The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective January 1, 2007 with the reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at B. Everett Jordan Reservoir from Class C NSW and Class B NSW to Class WS V NSW and Class WS V & B NSW, respectively. All waters within the B. Everett


Jordan Reservoir Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in Rules 15A NCAC 02B .0262 through .0272.

A notice of proposed reclassification was published in the *North Carolina Register* and announcements were also mailed to all participants on the Water Quality Rule-Making and Water Quality Rules email list, as well as to officials of local governments with jurisdiction over land adjacent to the waters proposed to receive the WS V designation. Three public hearings were held from July 12 – 17, 2007 and written comments were received until August 14, 2007. A significant number of comments were received from the public on the broader rulemaking, but there were no comments which caused any revisions to the original proposed rule for this use classification change.

This revision retains all aquatic life uses and supporting water quality criteria of the State's Class C designation, which also applies to WS V waters. Therefore, since the water quality criteria and uses of the State's Class C designation provide for protection of the CWA Section 101(a)(2) uses (fishable/swimmable), this revision is consistent with the goals of Section 101(a) of the CWA and the implementing regulations at 40 CFR Part 131. In accordance with Section 303(c) of the CWA and 40 CFR Part 131, EPA is approving these revisions. In accordance with 40 CFR 131.21(c), the revised State water body primary and supplemental classifications are now considered effective for CWA purposes.

If you have any questions, please feel free to contact me at (404) 562-9470, or have your staff contact Lisa Perras Gordon at (404) 562-9317.

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosure

cc: Dan Olone, Drinking Water Section, US EPA